



MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF MONDAY, JULY 7, 2008

1. CALL TO ORDER

Mayor David Willson called the July 7, 2008 Regular Meeting of the Board of Aldermen to order at 7:30 p.m.

Following the Pledge of Allegiance, President of the Board Marilyn Ottenad gave the invocation.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Steinbrenner, Alderman Hamill, Alderman Ottenad, Alderman Diehl, Alderman Ryan, Mayor Willson, and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES

a. Minutes of the June 16, 2008 Public Hearing regarding the Community Development Block Grant Program

Alderman Ottenad made the motion to approve the Minutes of the June 16, 2008 Public Hearing regarding the Community Development Block Grant Program. The motion was seconded by Alderman Clement and Alderman Ryan simultaneously and carried unanimously.

b. Minutes of the June 16, 2008 Regular Board of Aldermen meeting

Alderman Clement made the motion to approve the Minutes of the June 16, 2008 Regular Board of Aldermen meeting. The motion was seconded by Alderman Steinbrenner and Alderman Ottenad simultaneously and carried unanimously.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Clement made the motion to approve the Order of Items on the Agenda. The motion was seconded by Alderman Ryan and carried unanimously.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

- a. Request from Parkway South High School for approval of a fireworks display for the annual “Spirit Night” on Thursday, August 14, with a “rain date” of Friday, October 17, subject to approval of the West County EMS and Fire Protection District.

City Administrator Ed Blattner stated that the City has been giving approval for the Parkway South High School to have their fireworks display for many years now.

Alderman Clement made the motion to approve the Request from Parkway South High School for the fireworks display for the annual “Spirit Night” on Thursday, August 14, with a “rain date” of Friday, October 17, subject to approval of the West County EMS and Fire Protection District. The motion was seconded by Alderman Steinbrenner and carried unanimously.

- b. Request from Parkway South High School for the City’s approval of their annual Homecoming Parade

City Administrator Ed Blattner stated that this is also an event that Parkway South High School has been doing for a number of years.

Alderman Ottenad made the motion to approve the Request from Parkway South High School for the annual Homecoming Parade. The motion was seconded by Alderman Steinbrenner and carried unanimously.

- c. Solicitation Request – Fund for Public Interest Research (MoPIRG – the Missouri Public Interest Research Group)

Ms. Amy Senese, Lead Canvass Director for the Fund for Public Interest Research, stated that they are requesting permission for their annual campaign and membership drive in the City of Manchester. She said their annual drive includes talking to 480 current active members of MoPIRG in Manchester. She said the campaign is to work for clean energy, lobbying Congress to pass tax incentives for solar and wind power, educate the public, sign up new members, have fundraisers, and gather signatures for MoPIRG.

Alderman Clement asked if this will only be during the month of July, and Ms. Senese said it would only be in July.

Alderman Ottenad asked the hours that the Fund for Public Interest Research plans to solicit.

Ms. Senese answered that their staff canvasses from about 3:45 p.m. until 9:00 p.m. which is within the time limits of the City’s Ordinance for non-profit organizations to solicit. She said that generally there is an assigned area, and the last hour from 8:00 until 9:00 p.m. is

when the staff goes back to the members and to people who have asked them to come back at that time. Ms. Senese said they respect that some residents generally may not want to be contacted at that hour.

Attorney Gunn clarified with Ms. Senese that she had read the Ordinance and that the Fund for Public Interest Research intends to comply with the provisions of the City's Ordinance. He said that if they go outside those limits, they would be in violation of the Ordinance.

Answering a question from Alderman Ottenad, Attorney Gunn stated that the Ordinance has been crafted to comply with the provisions of the United States Supreme Court decision. He said the City's Ordinance intends to satisfy those requirements in regard to freedom of speech.

Ms. Senese said that they train their staff on how to conduct themselves with residents. She said their group has been doing this work in Missouri for more than 20 years now.

Answering Alderman Diehl's question, Ms. Senese said that their members would be going door to door.

Alderman Clement made the motion to grant the Fund for Public Interest Research the solicitation permit. The motion was seconded by Alderman Ottenad and carried unanimously.

Alderman Clement said he is aware that there are organizations, mostly non-profit groups, soliciting in the City and they have never come before the Board.

Attorney Gunn said that they are required to register with the City so it is known they are out there, and it can be confirmed that they have not-for-profit status. He said he believes the City Clerk asks for their 501 (C) (3) exemption certificate from the Internal Revenue Service to verify they are not engaging in a commercial enterprise. He said if there are solicitors that come to the door and they have not satisfied the City, he feels it is appropriate to notify the Police Department.

d. Commendation from Chief Connolly

Chief of Police John Connolly stated that in April he had introduced two new officers to the Board, one being Officer Meredith Lebbing, who had just graduated from the Police Academy. He said that in the three months since she has been employed with the City, he has already publicly recognized her twice for good police work. He said that after she was only here a week or two, she chased some people breaking into cars, got into a foot chase with them and caught them. He said that recently the City received a commendation from a Lieutenant from the West County Fire Protection District commending Officer Lebbing on her work with a sick case.

Chief Connolly said that the past Thursday, Officer Lebbing displayed some actions that he feels are of the highest accommodation. He said that on July 3, Officer Lebbing got a call for a disturbance on Big Bend Crossing, a densely populated residential street. Upon arrival,

Officer Lebbling saw a man and woman fighting in the driveway. When the man saw the police car, he took off running. The woman immediately yelled to Officer Lebbling that the man had a gun.

Officer Lebbling chased the man and yelled for him to stop or she would use the taser. At that point, the man reached to his waistband where the gun was supposed to be. Officer Lebbling made the decision that she would use a continuum of force that due to conditions was the best course of action at the time. Chief Connolly said that in his opinion, the threat of a gun and an overt act reaching to a waistband where a gun is normally kept could have justified her rising to the level of deadly force, but she made a split decision not to do so and pulled out her taser gun instead. The man fell to the ground and a revolver fell out of his waistband where he could reach it. Officer Lebbling took out her pistol and told the man not to move. At this point, other officers arrived and helped handcuff and secure the situation.

Chief Connolly said that later investigation revealed that this individual apparently had planned to come to the house on Big Bend Crossing where his estranged girlfriend lived, and he planned to kill her and kill himself. Chief Connolly said he had a variety of tools and equipment that gave distinct impressions to the officers that this was going to happen, and he had also written a suicide note.

Chief Connolly expressed pride in Officer Lebbling's response. He said her actions show the highest level of good judgment, and at her stage in her career, he feels that is most commendable. Chief Connolly said her actions and judgment saved a man's life, because she could have used deadly force. Chief Connolly said that also during a dead run with emotions high, the action potentially saved additional lives in the heavily populated area. Officer Lebbling also did not take her own safety selfishly into account; she put herself at risk so the greater good would sustain itself. Chief Connolly said that due to that fact, he plans to nominate Officer Lebbling for the Medal of Valor in St. Louis County this year; that is arguably the highest award an Officer can receive. Sergeant Dan West and Lieutenant Tim Walsh were in attendance also. Officer Lebbling received a standing ovation.

e. Comments from the Public

Ms. Tammy Heet, 428 Lynwood Forest Drive, talked about the "Request for Proposal" sent to prospective trash haulers. She said that upon review she feels that an addendum needs to be sent out requesting bids for 64-gallon rolling carts, because the 18-gallon bins are not big enough. She said to make recycling beneficial, productive and to make it work, the means need to be provided to recycle and there is a need to educate. Ms. Heet said that in St. Louis County, the Department of Health found that 70% of what is thrown away can actually be recycled. She said her family of three fill up at least four containers and put them at the curb every two weeks, so even with once-a-week collection, an 18-gallon bin will not be enough. The City needs to accommodate for growth, because in the five years of the upcoming contract, there may be more allowable items for recycling. Ms. Heet said that the rolling carts would allow for a cleaner city, and young and old can more easily wheel the cart to the curb much easier than dragging an 18-gallon bin. Ms. Heet said the 64-gallon cart would be a convenient storage for recyclables.

Ms. Heet said that St. Louis County did a pilot program that studied the impact of changing the size of containers, and what they found was when they went to the 64-gallon container, the volume recycled always more than doubled. Ms. Heet said there is a need for better education about what can be recycled and how to prepare items for recycling, and information needs to be shared on the positive impacts of recycling to encourage continual growth in that area. Ms. Heet said that recycling is something we should do; everything recycled has an economic value to it. She stated that 15,000 jobs have been created in the past few years in St. Louis alone for recycling. Ms. Heet offered her services to help select a vendor and to implement a trash program to help with education. She said she has a host of ideas.

Mr. Hal Roth, 48 Pas Drive, asked if MoPIRG was involved in the bogus voter registration situation.

Ms. Amy Senese said that MoPIRG was not involved in that issue.

Mr. Roth said there should be more rigid regulations for consideration of special requests. There should be someone in attendance who is responsible for the request to answer questions.

Mr. Roth discussed abstentions. He said that according to “Robert’s Rules of Order”, while a person cannot be forced to vote, a person cannot be kept from voting even in matters of conflict of interest. He said the person who has been elected has a duty to vote, and if they do not vote, they are shirking their duty. Mr. Roth said that one violation is that members have no right to explain their vote while voting, which would be the same as debate.

Mr. Ed Spatz, 504 Wren, asked if the dollar amount being expended for the Police Facility construction would be made public.

City Attorney Gunn answered that those amounts are set forth in the Ordinance, and the amounts are in the heading of the Ordinance which will be read.

Mr. Spatz complimented Chief of Police Connolly and Alderman Ottenad for the time and effort taken to tour the new facility in Houston, Missouri.

Mr. Robert Lopez, 1302 Mautenne, thanked the Board and City Administrator for the fine job on the LaBonne Parkway median. He said there is a little water that stands in the street, but overall the job is very good and he appreciates the effort that was made.

Mr. Lopez said that in regard to recycling, he puts out two of the 18-gallon tubs and a 50-gallon container and it would be nice to have it all in one container.

Mr. Lopez also complimented the Police Department.

Alderman Clement complimented the Parks and Recreation Department, the Police Department and the Public Works Department for the 4th of July “Party in the Park”. He said the evening was perfect; the band was great; it was terrific.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Willson advised that he had attended a luncheon sponsored by Charter Communications, and he had also attended a Lafayette Mayor's Meeting where the Great Streets Initiative and other issues were discussed.

Mayor Willson thanked Alderman Ottenad who filled in for him while he was on vacation.

Mayor Willson said attendance at the July 4th "Party in the Park" was wonderful; the weather was nice and the fireworks were spectacular. He thanked the Parks and Recreation Department, the Police Department, the Public Works Department and the volunteers who assisted in making it a wonderful event. He said it was interesting while he talked with attendees that he found many of them were visitors from Ballwin, St. Louis County, and Valley Park, and not from Manchester. Mayor Willson said there were even some visitors from Atlanta. He said the residents from Manchester are proud to live here. He commended everyone for the event.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. List of Paid Bills (Warrant dates of June 13, 2008 – July 2, 2008)

There were no questions.

b. Discussion regarding possible electronic message board for new Police Facility

City Administrator Ed Blattner said there had been discussions regarding the new sign at the Police Facility headquarters. He discussed the drawings, one being the base signage, an attractive masonry sign about 18 feet long by more than six feet tall, and another being an electronic message board sign such as found in Kirkwood City Park. He stated that the electronic message board sign could be used for a variety of reasons. Mr. Blattner said he wanted to bring up this discussion tonight because the City is on the verge of approving the Ordinance for the contractor. He asked for a consensus from the Board whether they desire him to discuss with the architect the preparation of a formal design for this type of sign, to arrange for a deduction for the original sign, and to pursue a message board sign.

Attorney Gunn said that Mr. Blattner and he had not had an opportunity to discuss the signage, but the electronic message board sign is inconsistent with the Zoning Regulations. However, a state rule indicates that those regulations do not apply to the City of Manchester, so that zoning regulation could be circumvented without any problem. He said there are already two flashing signs in the City, one at the Manchester United Methodist Church and a temporary one at Eagle Bank. He said this would be a potential for a proliferation of message board type signs.

Alderman Steinbrenner asked if the electronic sign would have masonry around it, and Mr. Blattner answered that it would.

Alderman Clement expressed his desire for a sign much like the one in Kirkwood. He said it is so informative, and if it is necessary to change the Ordinance, then that should be considered. He said he would support having a similar sign on Highlands Boulevard to allow the City to tell the community what is taking place.

Alderman Ryan asked for Chief Connolly's opinion regarding the sign, and Chief said he thinks the electronic message sign is a great idea.

It was the consensus of the members of the Board of Aldermen that Mr. Blattner should pursue getting further information for an electronic message sign.

c. Discussion regarding groundbreaking ceremony for the Police Facility

City Administrator Ed Blattner said he believes there is a sentiment to have a formal groundbreaking ceremony for the Police Facility. He discussed possible dates, people to invite, having shovels and hard hats for the aldermen, and he discussed the possibility of renting a bus to transport individuals from City Hall to the site. He said that obviously there would be a formal dedication of the building when it is completed and the Police Department moves into it.

d. Update regarding asphalt street overlay project, particularly Delmonico Drive

City Administrator Ed Blattner said he wanted to give an update on the only publicly-maintained street in Hanna Bend Condominiums which is Delmonico Drive. He said there are some really bad joints; the underlying concrete street in several locations has deteriorated, so the Public Works Department is in the process of digging up the bad locations. New base concrete will be poured in preparation for the new overlay. He said this project is being done as the City's normal maintenance, not through a contractor.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement said there would be a meeting next Monday.

b. Historic Review Commission

Alderman Steinbrenner said that prior to each Board of Aldermen meeting, there will be a meeting of the Historic Review Commission. She said that at tonight's meeting, Mr. Jahneke brought another plan, a little different and nicer than the first; there was input, and it is being refined. She stated that Director of Parks and Recreation Eileen Collins and Director of Public Works Bob Ruck were also in attendance. She said that Mr. Aston is on board with fundraising, Mr. Strothkamp is working on paver sales, and Mrs. Simons is working on publicity.

9. ACTION ON OLD BILLS

- a. There were none.

10. INTRODUCTION OF NEW BILLS

- a. BILL APPROVING A SUBDIVISION PLAT FOR 409 AND 411 HANNA ROAD

Alderman Diehl introduced Bill # 08-1990, entitled: "AN ORDINANCE APPROVING THE RE-SUBDIVISION OF A PARCEL OF PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND COMMONLY KNOWN AND NUMBERED AS 409 AND 411 HANNA ROAD IN THE CITY OF MANCHESTER, MISSOURI", by title only.

No further action at this time.

- b. BILL APPROVING CONTRACT WITH WRIGHT-WAGNER JOINT VENTURE FOR CONSTRUCTION OF POLICE FACILITY

Attorney Gunn said that when the City entered into the Redevelopment Agreement, Pace Properties agreed to undertake some work on the City's site in order to make it construction ready. He said they continue to own the property. Attorney Gunn said there is a deed which has been signed by Pace in favor of the City, and it is being held in escrow by the Title Insurance Company, but that deed has not yet been recorded, so technically, the City does not own the property. He said if the City owned the property, then, of course, Pace coming onto the property for the purpose of doing the work would be much more complicated, so that deed is still held by the Title Company. Attorney Gunn said it is expected that virtually any day the deed will be recorded and the property will belong to the City, hopefully by whatever day the Board selects for the groundbreaking. He said he has no objections to the Board considering this Bill for emergency legislation, but he did want the Board and the public to be aware that they should not expect people to be on site building this Police Facility quite yet; it may be a few more weeks before activity is seen from the City's contractor on the property.

Alderman Hamill introduced Bill # 08-1991, entitled: "AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH WRIGHT/WAGNER JOINT VENTURE IN AN AMOUNT NOT TO EXCEED SEVEN MILLION ONE HUNDRED TWENTY-FIVE THOUSAND FIFTY DOLLARS (\$7,125,050.00) FOR CONSTRUCTION OF THE CITY OF MANCHESTER POLICE FACILITY", by title only.

Alderman Hamill stated that emergency legislation had been requested by staff. He made the motion for approval of emergency legislation. The motion was seconded by Alderman Clement and carried unanimously.

Alderman Hamill read for the second time Bill # 08-1991, entitled: "AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER

INTO A CONTRACT WITH WRIGHT/WAGNER JOINT VENTURE IN AN AMOUNT NOT TO EXCEED SEVEN MILLION ONE HUNDRED TWENTY-FIVE THOUSAND FIFTY DOLLARS (\$7,125,050.00) FOR CONSTRUCTION OF THE CITY OF MANCHESTER POLICE FACILITY”, by title only.

Alderman Hamill made the motion that Bill # 08-1991 become Ordinance # 08-1890. The motion was seconded by Alderman Ryan.

A poll of the Board showed:

Alderman Clement – aye
Alderman Steinbrenner – aye
Alderman Hamill – aye
Alderman Ryan – aye
Alderman Diehl – aye
Alderman Ottenad – aye

Mayor Willson announced the motion passed 6 – 0.

c. BILL GRANTING AN EASEMENT OVER CITY PROPERTY FOR SANITARY SEWER

Alderman Clement introduced Bill # 08-1992, entitled: “AN ORDINANCE DEDICATING AN EASEMENT TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT OVER A PORTION OF GAYWOOD DRIVE IN THE CITY OF MANCHESTER, MISSOURI”, by title only.

Alderman Clement asked City Administrator Ed Blattner for an explanation for the Bill.

City Administrator Ed Blattner stated that originally there was going to be a different connection for the sanitary sewer system for the Manchester Highlands Development. He said that Metropolitan Sewer District has requested that Pace Development change their tap-in location, and there is a major sewer main which runs east and west on the south side of Manchester Road along Gaywood Drive which was platted as a private drive in the name of the City of Manchester. He said that Stock and Associates prepared the easement plat, and they would be more comfortable if the City gave them an easement over a portion of Gaywood Drive. He said the easement is not in the pavement, but off to the west side where there are some islands and grass. Mr. Blattner said that Metropolitan Sewer District would bore underneath Manchester Road and there would be an open cut along Gaywood Drive, but he did not foresee any interference with getting into Tucker’s Place West. He said the reason for emergency action is to expedite this work.

Alderman Clement stated that emergency legislation had been requested by staff. He made the motion for approval of emergency legislation. The motion was seconded by Alderman Ottenad and carried unanimously.

Alderman Clement read for the second time Bill # 08-1992, entitled: "AN ORDINANCE DEDICATING AN EASEMENT TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT OVER A PORTION OF GAYWOOD DRIVE IN THE CITY OF MANCHESTER, MISSOURI", by title only.

Alderman Clement made the motion that Bill # 08-1992 become Ordinance # 08-1891. The motion was seconded by Alderman Ryan.

A poll of the Board showed:

Alderman Steinbrenner – aye
Alderman Hamill – aye
Alderman Ryan – aye
Alderman Diehl – aye
Alderman Ottenad – aye
Alderman Clement – aye

Mayor Willson announced the motion passed 6 – 0.

11. MISCELLANEOUS

a. Comments from the Public

Mr. Hal Roth, 48 Pas Drive, asked about the extra expense for the Police Facility. He asked about the extra \$2,100,000.00 for the Police Facility. He said there was a \$5,000,000.00 bond issue.

Attorney Gunn stated that the bond issue was \$6,500,000.00.

Director of Finance Michelle DePew responded that the rest of the funds are coming from the General Fund Reserve. She said that with interest that has accrued, the City still has \$6,400,000.00.

Mr. Roth asked about the emergency legislation for the sanitary sewer easement. He said as he drove by there, it was already being dug last week. He asked if approval doesn't usually happen before the fact rather than after the fact.

City Administrator Ed Blattner stated the work being done is not for the sanitary sewer. The work being done there involves a waterline repair for Dobbs Tire.

Mr. Ralph Strohl, 1130 Hobbs Mill Drive, asked if there is budget to get a new overlay on Briarhurst Drive from Route 141 to Brookvale Terrace before winter. He also discussed a pothole on Parkfield Terrace two homes north of Briarhurst Drive. He also discussed the street cleaning process which took place on Tuesday, July 1, and said that the streets look worse now than before the street cleaner came by. Mr. Strohl mentioned that the homeowners should clean the street in front of their property. He talked about sidewalk repair on Silver Oak Court which has only two

homes on it. He said the other more than 500 homes in Chadwick Estates need more attention. He discussed foreclosed homes in Chadwick Estates. He said if the two “no parking” signs could be removed from Silver Oak Court, those homes could be sold. He stated that Missouri Department of Transportation did Chadwick Estates a disservice when they laid out the new Route 141. He then said that the sidewalks on Briarhurst from Hazelfalls to Doverfalls are terrible.

Mayor Willson said he knows for a fact that Briarhurst is one of the streets scheduled by the end of July for overlay from Route 141 to the pool.

Mr. Blattner stated that the pothole on Parkfield would be fixed.

12. EXECUTIVE SESSION

Closed Session: Pursuant to Section 610.021 (1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys and Pursuant to Section 610.021 (2) of the Revised Statutes of the State of Missouri pertaining to the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Alderman Steinbrenner made the motion to go into Closed Session: **Pursuant to Section 610.021 (1)** of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys and **Pursuant to Section 610.021 (2)** of the Revised Statutes of the State of Missouri pertaining to the leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Hamill – aye
Alderman Ryan – aye
Alderman Diehl – aye
Alderman Ottenad – aye
Alderman Clement – aye
Alderman Steinbrenner – aye

Mayor Willson announced the motion passed 6 – 0.

13. ADJOURNMENT

At 9:23 p.m., there being no further business after the closed session, Alderman Ryan made the motion to adjourn. The motion was seconded simultaneously by Alderman Hamill and Alderman Clement and carried unanimously.

Respectfully submitted,

Ruth E. Baker, MRCC
City Clerk